



BOARD OF SELECTMEN AGENDA

MONDAY, SEPTEMBER 26, 2016

SELECTMEN MEETING 7:00 P.M.

SELECTMEN'S CONFERENCE ROOM, TOWN OFFICES

The agenda for each meeting closes at 4:30 P.M. on the Wednesday preceding the meeting. Times designated for agenda items are estimated.

- I. Call to Order– 7:00 P.M.
- II. Opening Ceremonies – 7:00 P.M.
 - A. Moment of Silence/Pledge of Allegiance
- III. Communications/Announcements/Liaison Reports – 7:05 P.M.
- IV. Citizens Petitions and Presentations – 7:10 P.M.
- V. Public Hearing – 7:15 P.M.
 - A. Andover Spa– (5 minutes)

Application of Prayosha 108 Corporation d/b/a Andover Spa, 9 Elm Street, Andover, MA has applied for an All Alcoholic Package Store Alcoholic Beverage License at 9 Elm Street, Andover, MA. Niki Patel, 342 Treble Cove Road, North Billerica, MA for the appointment of as the designated manager, subject to the condition that all other requirements of the Town are met prior to issuance.
 - B. National Grid – (5 minutes)

The petition by National Grid for permission to excavate the public highways and to run and maintain underground electric conduits, together with such sustaining and protecting fixtures as it may find necessary for the transmission of electricity, said underground conduits to be located in substantially in accordance with the plan filed herewith marked **Abbot Street**, Andover, MA, plan #21951286 has been reviewed by DPW.
- VI Regular Business of the Board – 7:25 P.M.
 - A. Halloween – (5 minutes)

Board of Selectmen to vote on Trick or Treating on October 31, 2016 from 5:00 p.m. – 7:00 p.m.
 - B. Syncarpha Amendment 3 – (5 minutes)

Board of Selectmen to discuss and consider voting to approve Syncarpha Amendment 3 to Power Purchase Agreement.

VII. Consent Agenda – 7:35 P.M.

A. APPOINTMENTS – (Town Manager)

That the following appointments by the Town Manager be approved:

NAME:	POSITION:	RATE:	DOH:
Information Technology Services			
Patricia Fitzpatrick (v. M. O'Brien)	IT Office Coordinator IE-18-4	\$57,647	10/13/16
Library Services			
Erin Hellauer (v. K. Rigazzio)	Library Page (PT)	\$9.00/hr.	9/29/16
Stephanie Aude (v. K. Lynn)	Staff Librarian IE20-5	\$64,531	9/27/16
Municipal Services - Plant & Facilities			
Melissa Woodbury	DPW Sustainability Intern. (temp. until 6/30/17)	\$14.00/hr.	9/27/16
Alan Danehy (v. T. LeGrow)	Equipment Operator W4-1	\$49,694	9/27/16
Police Department			
Chad Cooper (v. W. Ouellette)	Police Lieutenant R518-1-3	\$117,077	9/27/16
Melissa Kurkjian (v. D. Carriere, Jr.)	Dispatcher (PT) D1-583-1-0	\$23.59	10-2-16
Peter Reming (v. C. Cooper)	Police Sergeant Q514-1-3	\$84,579	9-27-16
Youth Services			
Amy Blanchette	AYS Supervisor-6 (PT)	\$16.25/hr.	9/12/16
Nicholas Makiej	AYS Counselor 1 (PT)	\$9.00/hr.	9/9/16

VIII. Approval of Minutes from Previous Board of Selectmen Meetings – 7:40 P.M.

August 24, 2016 (Tri-Board Meeting) and September 12, 2016 (Regular Meeting)

IX. Adjournment– 7:45 P.M.

If any member of the public wishing to attend this meeting seeks special accommodations in accordance with the Americans with Disabilities Act, please contact Wendy Adams at 978-623-8225 or wadams@andoverma.gov in the Town Manager's Office.



TOWN OF ANDOVER

Town Clerk's Office

36 Bartlet Street
Andover, MA 01810
978-623-8255
townclerk@andoverma.gov

TOWN OF ANDOVER



PUBLIC HEARING

Notice is hereby given under Chapter 138 of the General Laws, as amended, that Prayosha108 Corporation d/b/a Andover Spa, 9 Elm Street, Andover, MA has applied for an All Alcoholic Package Store Alcoholic Beverage License at 9 Elm Street, Andover, MA. Niki Patel, 342 Treble Cove Road, N. Billerica, MA is the proposed designated manager.

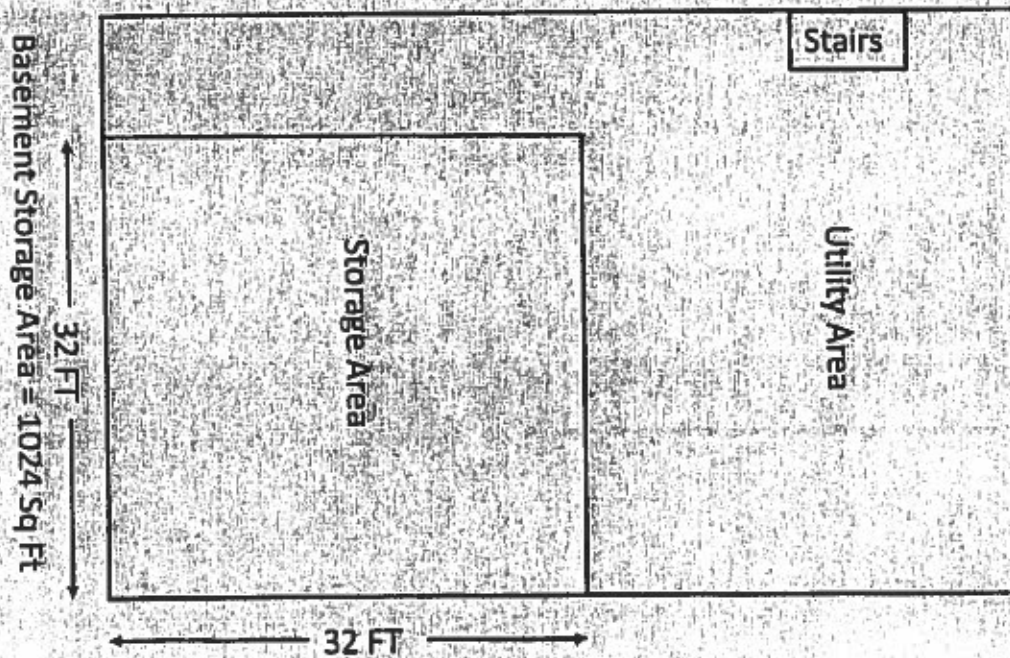
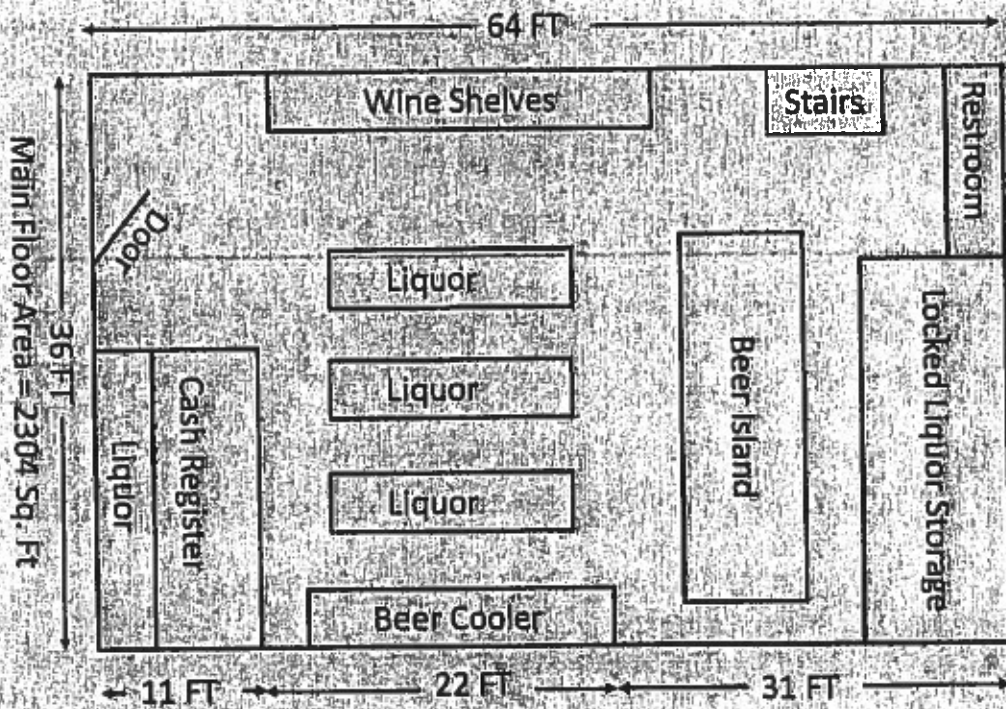
The premises to be described as follows: One story building with 2304 s.f. retail space on 1st floor and 1024 s.f. basement alcohol storage.

The public hearing will be held on Monday September 26, 2016 in Conference Room A on the third floor of the Andover Town Offices, 36 Bartlet Street, Andover, Massachusetts at 7:00 p.m. in accordance with the General Laws relating thereto.

By Order of the
Board of Selectmen

Lawrence J. Murphy
Town Clerk

Date of Issue: Thursday, September 8, 2016



PRAYOSHA 108 CORPORATION D/B/A ANDOVER SPA MOTIONS

MOTION #1

I move to approve the application of Prayosha 108 Corporation d/b/a Andover Spa for an All Alcoholic Package Store Alcoholic Beverage License at 9 Elm Street, Andover and for the appointment of Niki Patel of 342 Treble Cove Road, Billerica, MA as designated Manager, subject to the following conditions:

1. that the tenancy of the Subway sandwich shop be terminated and Subway vacates the premises prior to issuance of the license
2. that all other requirements of the Town are met prior to issuance.

Moved by _____

Seconded by _____

Voted _____ to _____

MOTION #2

I move the Board find that the application of Prayosha 108 Corporation d/b/a Andover Spa for an All Alcoholic Package Store Alcoholic Beverage License at 9 Elm Street, Andover is not detrimental to the educational and spiritual activities of the Free Christian Church at 31 Elm Street, Andover and the Andover Baptist Church, 7 Central Street, Andover.

Moved by _____

Seconded by _____

Voted _____ to _____



TOWN OF ANDOVER

Town Clerk's Office

36 Bartlet Street
Andover, MA 01810
978-623-8255
townclerk@andoverma.gov

NOTICE

You are hereby notified that a Public Hearing will be held by the Andover Board of Selectmen, on Monday, September 26, 2016 in the 3rd Floor Conference Room, 36 Bartlet Street, at 7 p.m.

This hearing is being held on the petition of National Grid requesting permission to excavate the public highways and to run and maintain underground electric conduits, together with such sustaining and protecting fixtures as it may find necessary for the transmission of electricity, said underground conduits to be located substantially in accordance with the plan filed herewith marked – **Abbot Street, Andover, MA, plan #21951286.**


The following are the streets and highways referred to: **Abbot Street** – National Grid to install (2) 3 inch concrete encased underground service conduits from existing pole #1303 approximately 35 feet across the street and into a private property at 9 Abbot Street.

Location approximately as shown as plan attached.

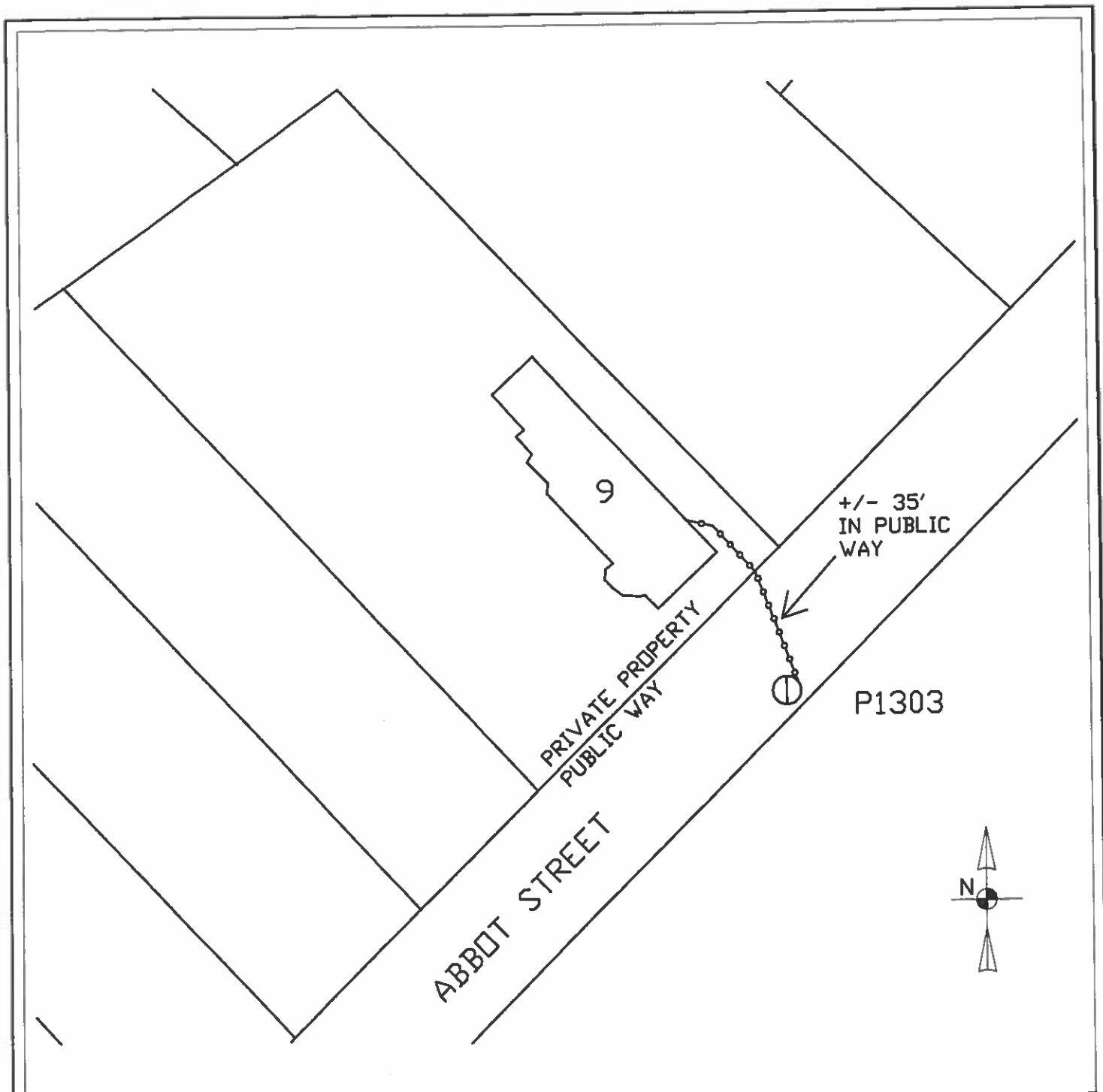
Plan(s) of the proposed work can be found on the Town of Andover web site at www.andoverma.gov in the Open Meeting Calendar by searching under the public hearing date.



Should you have any major concerns about this proposal, please call David Boucher at National Grid, (978) 725-1461, prior to the above-mentioned Selectmen's meeting date. Representatives from the utility company will be available at 6:45 P.M. on the above date to answer any other questions you may have relating to the proposed work.

By order of the
Board of Selectmen


Lawrence J. Murphy
Town Clerk

Plan No.: 21951286
Date: September 16, 2016



CONDUIT PETITION		nationalgrid	
 (2) 3' CONCRETE ENCASED UNDERGROUND CONDUITS  EXISTING J.O. POLE LOCATION	Date: 9-2-16		
	Work Request Number: 21951286		
	To Accompany Petition Dated:		
	To The Town OF ANDOVER, MA		
DISTANCES ARE APPROXIMATE		For Proposed: UNDERGROUND ELECTRIC SERVICE CONDUIT Location: ABBOT ST	

TOWN OF ANDOVER, MASSACHUSETTS

Christopher M. Cronin
Acting Director



DEPARTMENT OF PUBLIC WORKS
WATER TREATMENT PLANT
397 LOWELL STREET 01810 -4416

RECEIVED
TELEPHONE
TOWN CLERK'S OFFICE
(978) 623-3554
FAX
(978) 623-3559
2016 SEP 14 A 9:23

TOWN OF ANDOVER, MASS

TO: Lawrence Murphy, Town Clerk

FROM: R. Marc Fournier, DPW Deputy Director/Highway Superintendent

DATE: September 9, 2017

SUBJECT: National Grid

The petition by National Grid for the purposes of constructing a line of underground electric conduits, including the necessary sustaining and protecting fixtures, from existing pole #1303 under and across Abbot Street:

<u>Location</u>	<u>Petition #</u>
9 Abbot Street	21951286

Prior to construction, a street opening permit must be obtained from the Department of Public Works.

RMF/ahm

cc: Brian Moore, Town Engineer
David Dargie, Construction Inspector

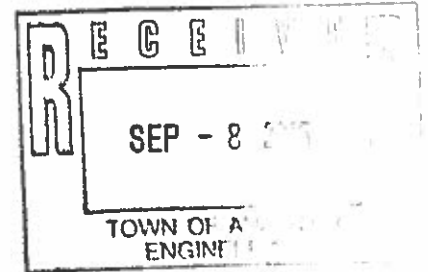
A handwritten signature in black ink, appearing to read "R. Marc Fournier", written over a horizontal line.



TOWN OF ANDOVER

Town Clerk's Office

36 Bartlet Street
Andover, MA 01810
978-623-8255
townclerk@andoverma.gov



MEMORANDUM

TO: Brian Moore
Town Engineer

FROM: Susan Pimentel, Town Clerk's Office

RE: Petition Request

DATE: September 7, 2016

DATE OF SELECTMEN'S MEETING: September 26, 2016

PETITION#: 21951286

PETITIONER: National Grid

LOCATION: Abbot St.

Please return to the Town Clerk's Office for mailing by Wednesday, September 14, 2016
(if possible).

Thank you!

OK 9/8/16 BLM

Questions contact – Dave Boucher- 978-725-1461

RECEIVED
TOWN CLERK'S OFFICE

2016 SEP -7 A 9:45

Petition of the NATIONAL GRID
Of NORTH ANDOVER, MASSACHUSETTS
For Electric conduit Location:

TOWN OF ANDOVER, MASS

To the Board of Selectmen of Andover Massachusetts

Respectfully represents the NATIONAL GRID of North Andover, Massachusetts, that it desires to construct a line of underground electric conduits, including the necessary sustaining and protecting fixtures, under and across the public way or ways hereinafter named.

Wherefore it prays that after due notice and hearing as provided by law, it be granted permission to excavate the public highways and to run and maintain underground electric conduits, together with such sustaining and protecting fixtures as it may find necessary for the transmission of electricity, said underground conduits to be located substantially in accordance with the plan filed herewith marked – Abbot St-Andover Massachusetts

The following are the streets and highways referred to:

21951286 Abbot St-National Grid to install (2) 3" concrete encased underground service conduits from existing pole #1303 approximately 35 feet across the street and into a private property of 9 Abbot Street.

Location approximately as shown on plan attached

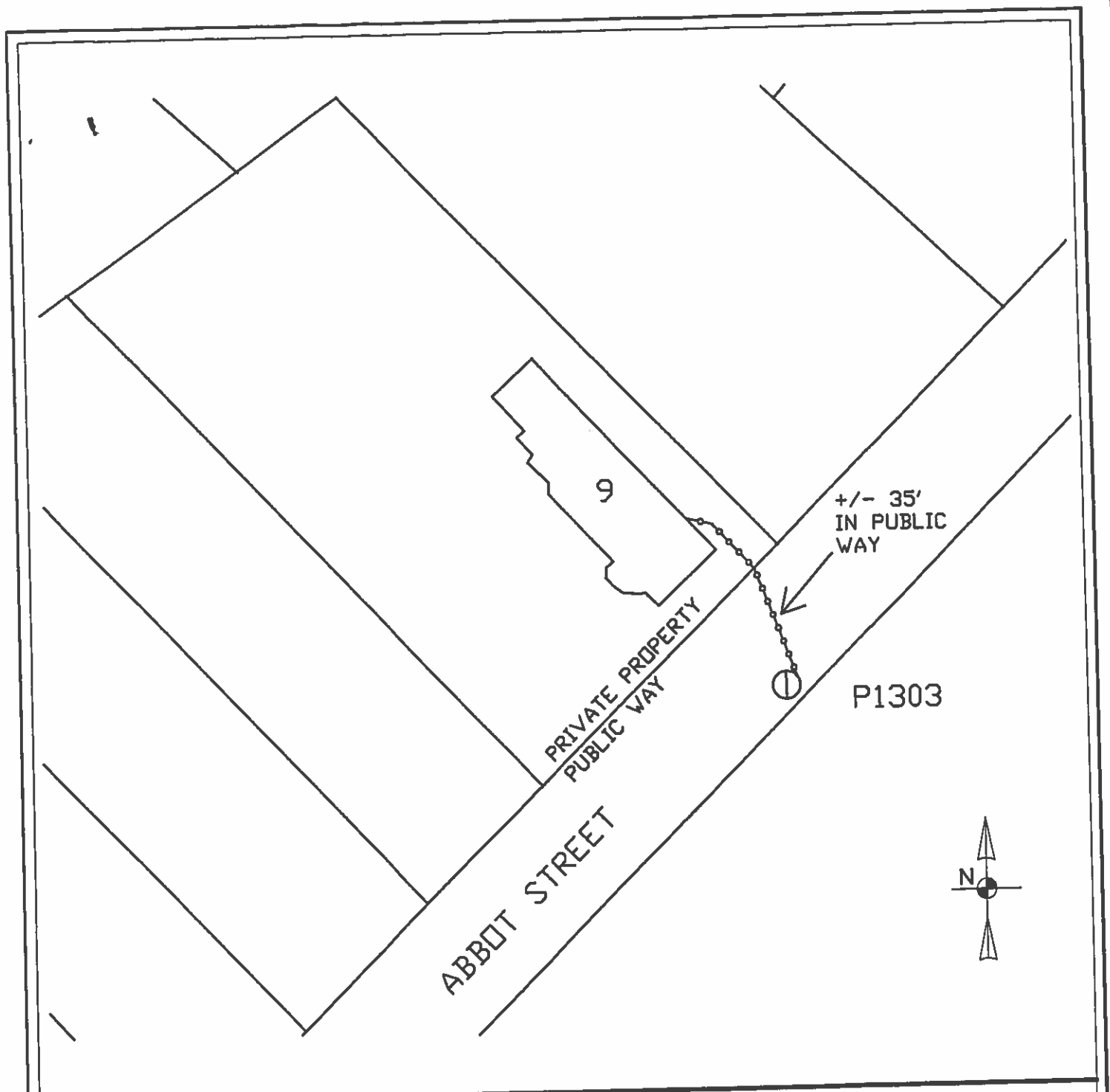
NATIONAL GRID

BY Chris Egan
Engineering Department

Dated: September 2, 2016

SEP06'34 PM 1:52

9/2/16




CONDUIT PETITION		nationalgrid	
	(2) 3" CONCRETE ENCASED UNDERGROUND CONDUITS	Date: 9-2-16	
		Work Request Number: 21951286	
		To Accompany Petition Dated:	
		To The Town of ANDOVER, MA	
		For Proposed UNDERGROUND ELECTRIC SERVICE CONDUIT Location: ABBOT ST	
DISTANCES ARE APPROXIMATE			



**BOARD OF ASSESSORS
TOWN OFFICES
36 BARTLET ST
ANDOVER, MA 01810
978-623-8265**

**BOARD OF ASSESSORS
CERTIFICATION OF ABUTTERS
PETITION # 2195/286**

I hereby certify the attached list of abutters as they currently appear on the Assessors' Office records.


David Billard
Chief Assessor

SEP 08 2016



16 ABBOT ST 56 0 1
LUC: 945

PHILLIPS ACADEMY TRUSTEES OF
MAIN ST
ANDOVER, MA 01810

9 ABBOT ST 74 0 10
LUC: 101

THOMAS J LAZAY LIVING TRUST
LAZAY THOMAS+ELIZABETH TRS
9 ABBOT ST
ANDOVER, MA 01810

7 ABBOT ST 74 0 11
LUC: 101

JENSEN MICHAEL V
JENSEN VALERIE TE
7 ABBOT ST
ANDOVER, MA 01810

34 SCHOOL ST 74 0 12
LUC: 101

SCULLY MATTHEW J
SCULLY SHANNON I TE
34 SCHOOL ST
ANDOVER, MA 01810

17 ABBOT ST 74 0 7
LUC: 101

JEAN K SAND 2004 REVOC TRUST
SAND JEAN K TR
17 ABBOT ST
ANDOVER, MA 01810

15 ABBOT ST 74 0 8
LUC: 101

HILL REALTY TRUST
HILL RONALD+JANIS TRS
15 ABBOT ST
ANDOVER, MA 01810

11 ABBOT ST 74 0 9
LUC: 101

MARY JOAN MORRIS RT
MORRIS MICHAEL+MARY JOAN TRS
11 ABBOT ST
ANDOVER, MA 01810

RECEIVED
TOWN CLERK'S OFFICE

Questions contact – Dave Boucher- 978-725-1461

2016 SEP -7 A 9:45

Petition of the NATIONAL GRID
Of NORTH ANDOVER, MASSACHUSETTS
For Electric conduit Location:

TOWN OF ANDOVER, MASS

To the Board of Selectmen of Andover Massachusetts

Respectfully represents the NATIONAL GRID of North Andover, Massachusetts, that it desires to construct a line of underground electric conduits, including the necessary sustaining and protecting fixtures, under and across the public way or ways hereinafter named.

Wherefore it prays that after due notice and hearing as provided by law, it be granted permission to excavate the public highways and to run and maintain underground electric conduits, together with such sustaining and protecting fixtures as it may find necessary for the transmission of electricity, said underground conduits to be located substantially in accordance with the plan filed herewith marked – Abbot St-Andover Massachusetts

The following are the streets and highways referred to:

21951286 Abbot St-National Grid to install (2) 3" concrete encased underground service conduits from existing pole #1303 approximately 35 feet across the street and into a private property of 9 Abbot Street.

Location approximately as shown on plan attached

NATIONAL GRID

BY Chris Poojeh
Engineering Department

Dated: September 2, 2016

SEP06'34 PM 1:52

9/2/16

Electric

ORDERED:

Notice having been given and public hearing held, as provided by law, that the NATIONAL GRID be and it is hereby granted permission to excavate the public highways and to run and maintain underground electric conduits, together with such sustaining and protecting fixtures as said company may deem necessary, in the public way or ways hereinafter referred to, and to make the necessary house connections along said extensions, as requested in petition with said company dated the 2nd day of September 2016 .

Said underground electric conduits shall be located substantially in accordance with the plan filed herewith marked -Abbot St-Andover Massachusetts

The following are the public ways or part of ways along which the underground electric conduits above referred to may be laid:

21951286 Abbot St-National Grid to install (2) 3" concrete encased underground service conduits from existing pole #1303 approximately 35 feet across the street and into a private property of 9 Abbot Street.

I hereby certify that the foregoing order was adopted at a meeting of the
.....
....., held on the day of, 20

....., 20

Received and entered in the records of location orders of the City/Town of
Book Page

Attest:

.....

..... hereby certify that on20....., at o'clock,M
at, a public hearing was held on the petition of
NATIONAL GRID for permission to construct the underground electric conduits described in the
order herewith recorded, and that I mailed at least seven days before said hearing a written notice
of the time and place of said hearing to each of the owners of real estate (as determined by the last

preceding assessment for taxation) along the ways or parts of ways upon which the Company is permitted to construct the underground electric conduits under said order. And that thereupon said order was duly adopted.

.....

.....

.....

TOWN

ORDERED:

Notice having been given and public hearing held, as provided by law, that the NATIONAL GRID be and it is hereby granted permission to excavate the public highways and to run and maintain underground electric conduits, together with such sustaining and protecting fixtures as said company may deem necessary, in the public way or ways hereinafter referred to, and to make the necessary house connections along said extensions, as requested in petition with said company dated the 2nd day of September 2016 .

Said underground electric conduits shall be located substantially in accordance with the plan filed herewith marked -Abbot St-Andover Massachusetts

The following are the public ways or part of ways along which the underground electric conduits above referred to may be laid:

21951286 Abbot St-National Grid to install (2) 3" concrete encased underground service conduits from existing pole #1303 approximately 35 feet across the street and into a private property of 9 Abbot Street.

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.....

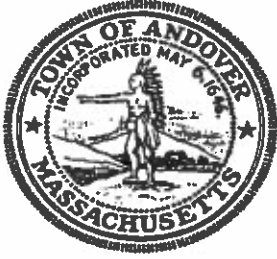
..... hereby certify that on20....., at o'clock,M
at, a public hearing was held on the petition of
NATIONAL GRID for permission to construct the underground electric conduits described in the
order herewith recorded, and that I mailed at least seven days before said hearing a written notice
of the time and place of said hearing to each of the owners of real estate (as determined by the last

preceding assessment for taxation) along the ways or parts of ways upon which the Company is permitted to construct the underground electric conduits under said order. And that thereupon said order was duly adopted.

.....

.....

.....



TOWN OF ANDOVER

OFFICE OF THE TOWN CLERK
978-623-8255

FACSIMILE TRANSMITTAL SHEET

TO:	Brian Moore	FROM:	Susan Pimentel
COMPANY:	DPW	DATE:	9/7/2016
FAX NUMBER:	X 8359	TOTAL NO. OF PAGES INCLUDING COVER:	4
PHONE NUMBER:		SENDER'S REFERENCE NUMBER:	
RE:	National Grid	YOUR REFERENCE NUMBER:	

☐ URGENT ☐ FOR REVIEW ☐ PLEASE COMMENT ☒ PLEASE REPLY ☐ PLEASE RECYCLE

NOTES/COMMENTS:

National Grid

Petition # 21951286 – Abbot Street

Hard copies sent via interoffice mail. Please let me know if you have any questions.

Thank you,

Susan Pimentel, x8256

THIRD AMENDMENT TO POWER PURCHASE AGREEMENT

This THIRD AMENDMENT (the "*Amendment*") dated as of September [xx], 2016 to POWER PURCHASE AGREEMENT (the "*Original Agreement*") made and entered into as of July 14, 2015 (the "*Effective Date*"), by and between Syncarpha Bondsville, LLC a Delaware limited liability company ("*Seller*") and the Town of Andover, Massachusetts, a municipal corporation and political subdivision of the Commonwealth of Massachusetts ("*Buyer*"). Each of the Seller and the Buyer are hereinafter referred to individually as a "*Party*" and together as the "*Parties*."

RECITALS

WHEREAS, Buyer and Seller entered into that certain Original Agreement dated as of July 14, 2015, as amended by that certain First Amendment to Power Purchase Agreement dated November 2, 2015 ("First Amendment") and by that certain Second Amendment to Power Purchase Agreement dated April 11, 2016 ("Second Amendment"), (collectively, the "Agreement"); and

NOW, THEREFORE, the Parties hereto hereby agree as follows:

1. Amendments.

(a) In contrast to the First Amendment, Section 1.01 ("Defined Terms") of the Original Agreement is amended by reinstating the defined terms "Other Net Metering Contracts" and "Third Party Allocation Percentage" from the Original Agreement.

(b) The second sentence of Section 4.01 ("Sale and Purchase of Net Metering Credits") shall be deleted in its entirety and replaced with the following sentence:

"Buyer agrees to pay for a total of approximately ninety five percent (95.00%) (the "**Buyer's Percentage**") not to exceed 6,200,000 kWh annually of all the Net Energy generated by the Solar Power Facility in accordance with the procedures described in **Article IV** and **V**."

(c) The second sentence of Section 5.01(c) shall be deleted in its entirety and replaced with the following:

"Accordingly, commencing after the end of the first three (3) Billing Cycles (such period constituting a quarter-annual period) and continuing thereafter for each succeeding quarter annual period (each such quarter annual period is a "Reporting Cycle"), Seller shall prepare a written reconciliation on or before the thirtieth (30th) day following the end of each Reporting Cycle that shall reconcile the amount of Net Metering Credits issued, paid or credited to Buyer in and for such Reporting Cycle with the Applicable Amount of Net Energy delivered to Buyer hereunder during such Reporting Cycle as measured at the Metering Device, and shall send such reconciliation to Buyer, together with all calculations undertaken by Seller in connection therewith (each such reconciliation is a "Reconciliation Report"). "

(d) The third sentence of Section 5.01(d) shall be deleted in its entirety and replaced with the following two sentences:

"In addition thereto, Buyer shall send to Seller copies of the Schedule Z Invoices

received during each Reporting Cycle as promptly as possible after the end of each Reporting Cycle in order to facilitate Seller's preparation of each Reconciliation Report. A Reconciliation Report shall not be required for any Schedule Z Account that receives Net Metering Credits from any other Net Metering Facility except the Solar Energy Facility."

2. Amendment. Except as set forth in Section 1, the Original Agreement shall not be otherwise amended and shall remain in full force and effect. This Amendment may be executed in any number of counterparts, and by the different Parties in separate counterparts, each of which when executed shall be deemed to be an original and all of which, take together, shall be deemed to constitute one and the same instrument.

[Remainder of page intentionally left blank. Signature page(s) follow.]

IN WITNESS WHEREOF, each Party hereto has caused this Amendment to be signed on its behalf as of the date first written above.

SELLER

SYNCARPHA BONDSVILLE, LLC

~~By: SPME Fund 15, LLC, its sole member~~

By: SPME Solar III, LLC, its Managing Member

By: Syncarpha Management LLC, its Manager

By: _____

Name: Clifford Chapman

Title: Manager ~~ing Member~~

BUYER

TOWN OF ANDOVER

By: _____

Name: Andrew P. Flanagan

Title: Town Manager

